

Exhibit 6

1 WILLIAM L. ANTHONY (State Bar No. 106908)
ERIC L. WESENBERG (State Bar No. 139696)
2 MARK R. WEINSTEIN (State Bar No. 193043)
ORRICK, HERRINGTON & SUTCLIFFE, LLP
3 1000 Marsh Road
4 Menlo Park, CA 94025
Telephone: (650) 614-7400
5 Facsimile: (650) 614-7401

6 STEVEN ALEXANDER (admitted *Pro Hac Vice*)
KRISTIN L. CLEVELAND (admitted *Pro Hac Vice*)
7 JAMES E. GERINGER (admitted *Pro Hac Vice*)
8 JOHN D. VANDENBERG
KLARQUIST SPARKMAN, LLP
9 One World Trade Center, Suite 1600
10 121 S.W. Salmon Street
Portland, OR 97204
11 Telephone: (503) 226-7391
Facsimile: (503) 228-9446

12 Attorneys for Defendant and Counterclaimant,
13 MICROSOFT CORPORATION

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 OAKLAND DIVISION

17 INTERTRUST TECHNOLOGIES
CORPORATION, a Delaware corporation,
18 Plaintiff,
19 v.
20 MICROSOFT CORPORATION, a
Washington corporation,
21 Defendant.

22 MICROSOFT CORPORATION, a
Washington corporation,
23 Counterclaimant,

24 v.
25 INTERTRUST TECHNOLOGIES
CORPORATION, a Delaware corporation,
26 Counter Claim-Defendant.
27

CASE NO. C01-1640 SBA

**MICROSOFT CORPORATION'S
PATENT LOCAL RULE 4-1(a)
STATEMENT (LIMITED TO "MINI-
MARKMAN" CLAIMS)**

1 Pursuant to Patent Local Rule 4-1(a), Microsoft submits below the claim terms, phrases,
2 and clauses of the twelve selected "Mini-Markman" patent claims that Microsoft presently
3 submits, subject to discussions with InterTrust, should be construed by the Court, in addition to
4 construing each claim as a whole.

5 Set forth in Section A, below, is a list of individual claim terms that Microsoft presently
6 submits, subject to discussions with InterTrust, should be construed by the Court. Individual
7 claim terms should be construed wherever they are found in these twelve claims.

8 Set forth in Section B, below, are the phrases and clauses that Microsoft presently
9 submits, subject to discussions with InterTrust, should be construed by the Court. The claim
10 phrases and clauses that Microsoft presently submits, subject to discussions with InterTrust,
11 should be governed by 35 U.S.C. § 112(6), are identified in Section B by double underlining.
12

13 Many of these claim terms, phrases and clauses are indefinite and otherwise improper
14 under 35 U.S.C. § 112(2), and Microsoft reserves all rights to assert those defects as to each of
15 these claim terms, phrases and clauses.
16

17 The grouping of individual claim terms below is for convenience only and does not imply
18 any particular connection, or lack of connection, between any terms.

19 **A. Individual Claim Terms**

- 20
- 21 • a digital file, digital file
 - 22 • access, accessed, access to, accessing
 - 23 • addressing
 - 24 • allowing, allows
 - 25 • applying . . . in combination
 - 26 • arrangement
 - 27 • aspect
 - 28 • associated with
 - authentication
 - authorization information, authorized, not authorized
 - budget control, budget

- 1 • can be
- 2 • capacity
- 3 • clearinghouse
- 4 • compares, comparison
- 5 • component assembly
- 6 • contain, contained, containing
- 7 • control (n.), controls (n.)
- 8 • controlling, control (v.)
- 9 • copied file
- 10 • copy, copied, copying
- 11 • copy control
- 12 • creating, creation
- 13 • data item
- 14 • derive, derives
- 15 • descriptive data structure
- 16 • designating
- 17 • device class
- 18 • digital signature, digitally signing
- 19 • entity, entity's control
- 20 • environment
- 21 • executable programming, executable
- 22 • execution space, execution space identifier
- 23 • generating
- 24 • govern, governed, governed item, governing
- 25 • halting
- 26 • host processing environment
- 27 • identifier, identify, identifying
- 28 • including
- information previously stored
- integrity programming
- key
- load module
- machine check programming
- metadata information
- opening secure containers
- operating environment, said operating environment
- organization, organization information, organize
- portion
- prevents
- processing environment

- 1 • protected processing environment
- 2 • protecting
- 3 • record
- 4 • required
- 5 • resource processed
- 6 • rule
- 7 • secure
- 8 • secure container, secure containers
- 9 • secure container governed item
- 10 • secure container rule
- 11 • secure database
- 12 • secure execution space
- 13 • secure memory, memory
- 14 • secure operating environment, said operating environment
- 15 • securely applying
- 16 • securely assembling
- 17 • securely processing
- 18 • securely receiving, securely receiving . . . a control
- 19 • security
- 20 • security level, level of security
- 21 • specific information, specified information
- 22 • tamper resistance
- 23 • tamper resistant barrier
- 24 • tamper resistant software
- 25 • tampering
- 26 • use
- 27 • validity
- 28 • virtual distribution environment

B. Claim Phrases and Clauses

'193:1

- 23 • receiving a digital file including music
- 24 • a budget specifying the number of copies which can be made of said digital file
- 25 • controlling the copies made of said digital file
- 26 • determining whether said digital file may be copied and stored on a second device based on at least said copy control
- 27 • if said copy control allows at least a portion of said digital file to be copied and stored on a second device
- 28 copying at least a portion of said digital file

- 1 • transferring at least a portion of said digital file to a second device
- 2 • storing said digital file

3 **'193:11**

- 4 • receiving a digital file
- 5 • determining whether said digital file may be copied and stored on a second device based on said first control
- 6 • identifying said second device
- 7 • whether said first control allows transfer of said copied file to said second device
- 8 • said determination based at least in part on the features present at the device
- 9 • if said first control allows at least a portion of said digital file to be copied and stored on a second device
- 10 • copying at least a portion of said digital file
- 11 • transferring at least a portion of said digital file to a second device
- 12 • storing said digital file

13 **'193:15**

- 14 • receiving a digital file
- 15 • an authentication step comprising:
- 16 • accessing at least one identifier associated with a first device or with a user of said first device
- 17 • determining whether said identifier is associated with a device and/or user authorized to store said digital file
- 18 • storing said digital file in a first secure memory of said first device, but only if said device and/or user is so authorized, but not proceeding with said storing if said device and/or user is not authorized
- 19 • storing information associated with said digital file in a secure database stored on said first device, said information including at least one control
- 20 • determining whether said digital file may be copied and stored on a second device based on said at least one control
- 21 • if said at least one control allows at least a portion of said digital file to be copied and stored on a second device,
- 22 • copying at least a portion of said digital file
- 23 • transferring at least a portion of said digital file to a second device
- 24 • storing said digital file

25 **'193:19**

- 26 • receiving a digital file at a first device
- 27 • establishing communication between said first device and a clearinghouse located at a location remote from said first device
- 28 • using said authorization information to gain access to or make at least one use of said first digital file
- including using said key to decrypt at least a portion of said first digital file

- 1 • receiving a first control from said clearinghouse at said first device
- 2 • storing said first digital file in a memory of said first device
- 3 • using said first control to determine whether said first digital file may be copied and stored on
- 4 • a second device
- 5 • if said first control allows at least a portion of said first digital file to be copied and stored on
- 6 • a second device
- 7 • copying at least a portion of said first digital file
- 8 • transferring at least a portion of said first digital file to a second device including a memory
- 9 • and an audio and/or video output
- 10 • storing said first digital file portion

8 '683:2

- 9 • user controls
- 10 • the first secure container having been received from a second apparatus
- 11 • an aspect of access to or use of
- 12 • the first secure container rule having been received from a third apparatus different from said
- 13 • second apparatus
- 14 • hardware or software used for receiving and opening secure containers
- 15 • said secure containers each including the capacity to contain a governed item, a secure
- 16 • container rule being associated with each of said secure containers
- 17 • protected processing environment at least in part protecting information contained in said
- 18 • protected processing environment from tampering by a user of said first apparatus
- 19 • hardware or software used for applying said first secure container rule and a second secure
- 20 • container rule in combination to at least in part govern at least one aspect of access to or use
- 21 • of a governed item contained in a secure container
- 22 • hardware or software used for transmission of secure containers to other apparatuses or for the
- 23 • receipt of secure containers from other apparatuses.

19 '721:1

- 20 • digitally signing a first load module with a first digital signature designating the first load
- 21 • module for use by a first device class
- 22 • digitally signing a second load module with a second digital signature different from the first
- 23 • digital signature, the second digital signature designating the second load module for use by a
- 24 • second device class having at least one of tamper resistance and security level different from
- 25 • the at least one of tamper resistance and security level of the first device class
- 26 • distributing the first load module for use by at least one device in the first device class
- 27 • distributing the second load module for use by at least one device in the second device class

26 '721:34

- 26 • arrangement within the first tamper resistant barrier
- 27 • prevents the first secure execution space from executing the same executable accessed by a
- 28 • second secure execution space having a second tamper resistant barrier with a second security
- level different from the first security level

1
2 '861:58

- 3 • creating a first secure container
4 • including or addressing . . . organization information . . . desired organization . . . and
5 metadata information at least in part specifying at least one step required or desired in creation
6 of said first secure container
7 • at least in part determine specific information required to be included in said first secure
8 container contents
9 • rule designed to control at least one aspect of access to or use of at least a portion of said first
10 secure container contents
11

12 '891:1

- 13 • resource processed in a secure operating environment at a first appliance
14 • securely receiving a first entity's control at said first appliance
15 • securely receiving a second entity's control at said first appliance
16 • securely processing a data item at said first appliance, using at least one resource
17 • securely applying, at said first appliance through use of said at least one resource said first
18 entity's control and said second entity's control to govern use of said data item
19

20 '900:155

- 21 • first host processing environment comprising
22 • said mass storage storing tamper resistant software
23 • designed to be loaded into said main memory and executed by said central processing unit
24 • said tamper resistant software comprising: . . . one or more storage locations storing said
25 information
26 • derives information from one or more aspects of said host processing environment,
27 • one or more storage locations storing said information
28 • information previously stored in said one or more storage locations
29 • generates an indication based on the result of said comparison
30 • programming which takes one or more actions based on the state of said indication
31 • at least temporarily halting further processing
32

33 '912:8

- 34 • identifying at least one aspect of an execution space
35 • required for use and/or execution of the load module
36 • said execution space identifier provides the capability for distinguishing between execution
37 spaces providing a higher level of security and execution spaces providing a lower level of
38 security
39 • checking said record for validity prior to performing said executing step
40

- received in a secure container
- said component assembly allowing access to or use of specified information
- said first component assembly specified by said first record

Dated: November 8, 2002

By:


WILLIAM L. ANTHONY

ERIC L. WESENBERG

MARK R. WEINSTEIN

ORRICK HERRINGTON & SUTCLIFFE, LLP

1000 Marsh Road

Menlo Park, CA 94025

Telephone: (650) 614-7400

STEVEN ALEXANDER

KRISTIN L. CLEVELAND

JAMES E. GERINGER

JOHN D. VANDENBERG

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600

121 S.W. Salmon Street

Portland, OR 97204

Telephone: (503) 226-7391

Attorneys for Defendant

MICROSOFT CORPORATION

Of Counsel:

T. Andrew Culbert, Esq.

One Microsoft Way

Building 8

Redmond, WA 98052-6399

Phone: 425-882-8080

1 **DECLARATION OF SERVICE BY E-MAIL AND FIRST CLASS MAIL**

2 I am more than eighteen years old and not a party to this action. My place of employment
3 and business address is 121 S.W. Salmon St., Suite 1600, Portland, OR 97204.

4 On November 8, 2002, I served on counsel for InterTrust Technologies Corporation:

5 **MICROSOFT CORPORATION'S PATENT LOCAL RULE 4-1(a) STATEMENT** by e-
6 mail delivery and by placing true copies of these papers in envelopes addressed to:
7

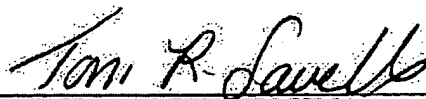
8 Michael H. Page, Esq.
9 John W. Keker, Esq.
10 Jon B. Streeter, Esq.
11 KEKER & VAN NEST, LLP
12 710 Sansome Street
13 San Francisco, CA 94111
14 Phone: 415-391-5400
15 Fax: 415-397-7188
16 E-mail: mhp@kvn.com

17 Stephen E. Taylor, Esq.
18 Taylor & Co. Law Offices
19 1050 Marina Village Parkway
20 Suite 101
21 Alameda, CA 94501
22 Phone: 510-865-9401
23 Fax: 510-865-9408
24 Email: staylor@tcolaw.com

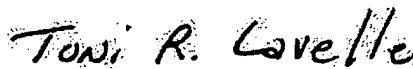
25 Steven H. Morrisett, Esq.
26 Finnegan Henderson Farabow
27 Garrett & Dummer
28 Stanford Research Park
29 700 Hansen Way
30 Palo Alto, CA 94304-1016
31 steven.morrisett@finnegan.com

32 and sealing each envelope, affixing adequate first-class postage and depositing it in the U.S. mail
33 at Portland, Oregon.

34 I declare under penalty of perjury that the foregoing is true and correct. Executed on
35 November 8, 2002, at Portland, Oregon.

36 

37 (SIGNATURE)

38 

39 (PRINT NAME)